

PROVIDENCE CITY COUNCIL MEETING MINUTES

August 9, 2016 6:00 p.m.

Providence City Office Building, 15 South Main, Providence UT

Call to Order: Kirk Allen, as Mayor, pro tem

Roll Call of City Council Members:

In Attendance: Kirk Allen, Jeff Baldwin, John Drew, Dennis Giles, Roy Sneddon

Staff: Rob Stapley, Skarlet Bankhead

Absent:

Excused: Mayor Don Calderwood

Pledge of Allegiance:

Motion made that council immediately go into Executive Session to discuss land acquisition and pending litigation.-

J Baldwin, Second - Roy Sneddon

Meeting reconvened at 6:37 pm

Approval of the minutes

Item No. 1. The Providence City Council will consider approval of the minutes of July 26, 2016 City Council meeting.

Corrections:

- Page 3, line 4 - Change wording from "he feels they should be compensated across the board" needs to be more specific. It should read "if we are going to compensate the Planning Commission; we should also plan on compensating the Appeals Board."
- Page 4, line 50 - Change from "Safety flag strike outs should be removed and this could be voted on" to "safety flags strike outs should remain and this should be voted on".
- Line 34, y should be p
- Page 6, lines 21 to 26 – In comments please include line identifying "No comments from J Baldwin."

Motion to approve minutes of July 26, 2016 City Council Meeting with changes noted above: K Allen, seconded: J Drew.

Vote:

Yea: Kirk Allen, Jeff Baldwin, John Drew, Dennis Giles, Roy Sneddon

Nay: None

Abstained: None

Excused: Mayor Calderwood

Public Comments: Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- Laura Fisher expressed her concerns on off road vehicles, noting that this was an agenda item, she wanted to comment on the impact that the tremendous amount of noise that these vehicles has on her household. If a vehicle is passing by her house the noise is so loud that conversation within her house must stop until the vehicle or vehicles pass. This loud and extensive noise continues to be a problem in that area as we contend with the bottle neck effect occurring as every motorized vehicles seeks to enter the canyon in that area. The noise can be quite loud.
- No other comments were made.

Public comments session closed.

Business Items:

Item No. 1. Exception to 11-5-7:A. Warranty Bond: The Providence City Council, Acting as a Land Use Authority, will consider for recommendation to City Council a request for an exception to Providence City Code 11-5-7:A.

Warranty Bond, Requested by Stan Checketts.

Motion made by R Sneddon that Stan Checketts' request for an exception or waiver be denied in that there are neither findings in fact nor conclusions in law to support his request.

Discussion followed before motion was approved.

- J Baldwin commented that this could cause problems with other developers expecting the same benefit. Allowing other developers the same exceptions would actually necessitate a modification of the ordinance and that would require review of the type of risks involved in making that modification. It is not fair to grant an exception to one developer without allowing others the same benefit.
- J Drew commented that it has not been identified that there is anything unique about this particular circumstance in way of geographical differences. Councilman Baldwin is right. It would need to be approached as an ordinance change not as an exception.
- Dan McFarland commented that Stan was out of town and he was here to speak on Stan's behalf. Stan is not overly concerned about being granted the exception or not. He has the money and is willing to pay the bond. He does not fight the fact that he is being asked to warranty something that is not built. He will make the comment that according to state code, an option that I do not think he would entertain is that he could build the development without any type of bond or warranty bond but he could not file a plat until it was completed to city standards. That is an option, but I believe he does want to sell lots before the infrastructure is built. He could still put up 110% which is 2.7 million approximately or 2.6 million. It is 110% then an additional 10%. He would still pay the 110% and file plats immediately which would be allowed if this exception is granted. He could then sell the lots and not allow the 110% value to drop below the 10% line. A state law does allow a developer to put the infrastructure in with no bonding as long as they get their permits from the city and their construction documents are approved but they cannot file the plat until the infrastructure is installed, inspected and approved per city standards.
- K Allen commented that the city would want to protect people purchasing lots and let them know that there is performance money that ensures they will have curb, gutter and sewer. Without that money, they can still go ahead and buy the lot but they are taking a risk.
- Dan McFarland replied that actually he could not sell any lots in fact. Plats are not filed or recorded. No subdivision exists until after the process is fully completed. He is fronting the construction first.
- K Allen mentioned that other cities are higher than 110% for a performance bond.
- K Allen concluded that the only other comment he had was that we should not be making arbitrary capricious. We should also avoid projecting an appearance that we would favor one developer over another in any way. Allowing this exception would subject us to this.

Motion to deny request by Stan Checketts for an exception to 11-5-7:A Warranty bond -J Drew, Second: J Baldwin

Vote:

Yea: Kirk Allen, Jeff Baldwin, John Drew, Dennis Giles, Roy Sneddon

Nay: None

Abstained: None

Excused: Mayor Calderwood

Item No. 2 Ordinance 2016-019. The Providence City Council will consider adoption and ordinance amending Providence City Code Title 2, Chapters 1 and 4, Title 1, Chapters 15 and 16, and Title 11, Chapter 3 by changing the words "city administrator" to "administrative services director". (Amended 8/8/2016)

Motion to approve amendment to Ordinance 2016-19 made by J Baldwin, Second: J Drew

Vote: **Yea:** Kirk Allen, Jeff Baldwin, John Drew, Dennis Giles, Roy Sneddon

Nay: None

Abstained: None

Excused: Mayor Calderwood

Item No. 3 Discussion: The Providence City Council will discuss Providence City Title 5, Chapter 9, Off-Highway

1 Vehicles.

2 Discussion:

- 3 • J Baldwin suggested that a good first step would be to put up signage restating the city ordinance, fine
- 4 information and warnings.
- 5 • Council members discussed where to place signs, how many and what types of signs to place i.e. caution
- 6 and warning signs, speed limit signs, posting of city ordinance signs or putting up the portable speed sign
- 7 to collect data on how fast cars are going in that area.
- 8 • Laura Fisher made a suggestion that a 25 mph speed limit sign on both sides of the street be put up to
- 9 remind drivers to slow down as they enter and exiting the canyon.
- 10 • Andrea Diamond asked that councilmembers please consider the safety issues in that area especially
- 11 where there is crossing from the dirt road to pavement. It is a very dangerous area. Signs like Watch for
- 12 Bicyclers, CAUTION - Entering Residential Zone, and CAUTION TRAILHEAD were suggested.
- 13 • K Allen asked who is responsible for sign placement in that area.
- 14 • S Bankhead identified the county coordinator. The land is owned by State of Utah and Forest Service and
- 15 Division of Natural Resources and noted that the city would need to get Cache County's permission to put
- 16 signs up.
- 17 • K Allen stated he would follow up with the commission and trails men on the issue.
- 18 • J Drew stated that definition does not have to parallel state code and suggested the paragraph be
- 19 reworded.
- 20 • S Bankhead stated that rewording could be problematic.
- 21 • Laura Fisher discussed issues with snowmobiles destroying private property and the problems that exists
- 22 in keeping people out, as well as the noise they cause.
- 23 • K Allen stated they should be ticketed.
- 24 • Keith Thompson mentioned he had a golf cart and wanting to know if the city is planning to make them
- 25 illegal.
- 26 • Kirk Allen responded by stating that golf carts would not be made illegal as long as you have a valid
- 27 driver's license.
- 28 • If council is considering rewording the ordinance, it was suggested that the issue be open for public
- 29 comment.
- 30 • S Bankhead will propose re-wording options and include it in the packet to complete for the public
- 31 hearing agenda.
- 32 • In response to the discussion Jeff Baldwin will work with Rob Stapley to identify what signs need to
- 33 placed. Jeff Baldwin said he put together prototypes for the signage for the next council meeting. John
- 34 Drew and Kirk Allen will coordinate signage placement with Cache County.
- 35 • K Allen mentioned that it was also suggested that we eliminate CCJ, paragraph J, snowmobiles may only
- 36 be operated on Providence City streets when sufficient snow or ice is present. A suggestion has been
- 37 made that we look at a motion to eliminate paragraph J and simply re-word it to "snowmobiles may not
- 38 be operated on Providence City streets." This will be added for discussion at the next City Council
- 39 Meeting.
- 40 • R Sneddon commented on adult supervision needing clarification as well.
- 41 • K Allen identified that this should also be added for discussion at the next meeting.
- 42 • Laura Fisher further commented on the problems of keeping people with snowmobiles off of private
- 43 property due to the damage and noise they have caused.
- 44 • K Allen noted that golf carts can be operated on city streets with a valid driver's license.
- 45 • J Drew commented that the agenda needs to be very specific on any agenda item listed for the public
- 46 discussion. People should be aware of exactly what is being considered. More description needs to be
- 47 added.
- 48 • S Bankhead concurred that more description on defining the issue that is open to public discussion will be
- 49 added to the agenda and will be careful about not limiting the topic that the council will deliberate and
- 50 discuss.
- 51 • K Allen proposed that we make this as an item on the next agenda as an action item to further review off-
- 52 highway vehicles.

Motion to further discuss re-wording the city ordinance regarding OHV's made by J Baldwin, second: J Drew

Vote: Yea: Kirk Allen, Jeff Baldwin, John Drew, Dennis Giles, Roy Sneddon

Nay: None

Abstained: None

Excused: Mayor Calderwood

Item No. 4 Discussion. The Providence City Council will discuss zoning enforcement for accessory buildings.

Discussion and questions

- How aggressive do we want these ordinances enforced?
- How will this be monitored?
- Will enforcement be made only when a complaint is made and investigated?
- What if anything will be grandfathered?
- Or do we change the ordinance.
- Further identified was the need for public education, public safety issues.
- Tuff sheds are the main issue because they have a zoning requirement but a building permit is not required.
- Suggestions were made for those sheds that have already been built and are located improperly to provide notice to owner and let him present his case.
- Further discussion occurred on regarding handling violations that provide value and impact as well as providing notices to residents of the ordinances in effect.
- Issues discussed included where to expand on the ordinance to address smaller sheds specifically that are in violations of the ordinances.
- J Baldwin clarified that the city should make the attempt to educate citizens as to what the issue is, what the ordinance is, and the intent of the city to enforce the ordinance. He felt this would be a good start to resolving the matter.

Item No. 5 Discussion. The Providence City Council will discuss impact fees.

Emily Sims from Public Sector Economic was in attendance to discuss updating Providence's current Impact fees.

- Due to changes that occur in the law the impact fees need to be updated every seven years. Most municipalities hire out because there is so much work that goes into it and if it is not done correctly the city may be put in the position of refunding fees. Hiring a professional provides the level of expertise needed.
- The Utah Impact Fee Handbook is extremely helpful to complete this process.
- Further overview was provided on the analysis and allocation of costs.
- Impact fees can also be used to fund future project although there is a limit of six years for which the allocation of these funds must be used. Or they may be collected to cover costs already incurred.
- A summary of the impact fee analysis that the lay person can understand to know what they are paying for.
- An additional protection is a statement provided by the hiring company completing the process.
- The city can choose what amount to charge. The maximum amount is recommended although some cities use lower amounts to encourage development. These are just a few aspects that need to be taken into account.
- This is also why impact fees need to be assessed and adjusted every seven years.
- Notices and hearings need to be coordinated and a 90 day waiting period is required before any changes can be made.
- J Baldwin identified that one of the challenges is applying the state code correctly.
- E Sims response is that is incorporated into the process and the result will identify this clearly.
- S Bankhead identified that the city has already provided notice that an analysis will be done on impact fees and the city is at the point where it can request bids from outside firms and submit RFP's which she will add to the next agenda of the City Council.

Staff Reports: Items presented by Providence City Staff will be presented as information only.

Rob Stapley provided status and reviewed updates on the current projects in process in the Public Works Department Staff Report for the Council. The update report was included as an attachment to the Council City Meeting Agenda.

S Bankhead also provided additional updates that were not included in the report. The Wolverines Baseball Team did not win the championship but they did come in second and are still a very good group to represent Providence. Also, there are changes going on at Skyline Engineering. Gary Knighton and Max Pierce are working with us through the transition period of the change in staff. Gary is getting ready to retire and they wanted to ensure the city staff that our engineering needs will continue to be met and will not affect the quality of work provided.

The remodel of the future office building is in process.

K Allen provided drafts and overview of new trails to be installed from the Cache County Trail Committee.

Motion to adjourn City Council meeting of August 9, 2016 -R Sneddon, seconded by J Drew.

Vote:

Yea: Kirk Allen, Jeff Baldwin, John Drew, Dennis Giles, Roy Sneddon

Nay: None

Abstained: None

Excused: Mayor Calderwood

Council Reports: Items presented by Providence City Staff will be presented as information only.

Meeting adjourned at 8:30 pm.

Minutes recorded and prepared by K. Merrill.

Don W. Calderwood, Mayor

Skarlet Bankhead, City Recorder